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Chairman: Mr. ZARIF (Islamic Republic of Iran)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 134: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY (A/47/26)

1. Mr. MOUSHOUTAS (Cyprus), Outgoing Chairman of the Committee on Relations with the Host Country, introducing the report of the Committee (A/47/26), said that during the reporting period, the Committee had continued to deal with a wide range of matters of significance for the United Nations diplomatic community and the host country. Outlining the report, he pointed out that the recommendations (sect. iv) had placed particular emphasis on the question of travel restrictions and problems of financial indebtedness.

2. The Committee on Relations with the Host Country had proved to be an important and effective forum in which representatives of Member States and the host country had, on the whole, successfully found ways of solving problems through frank and constructive exchanges of views.

3. As outgoing Chairman of the Committee, he wished to thank all those individuals and agencies that had provided their support and cooperation during his chairmanship.

4. Mr. VALDES (Cuba) said that her delegation attached particular importance to the work of the Committee on Relations with the Host Country, whose responsibility it was to seek solutions to the problems faced by States Members of the Organization at its Headquarters. Topics that had been dealt with during 1992 demonstrated the concern of Member States that the host country should fully honour its commitments under international law, particularly since failure to do so led to problems which in many cases affected the normal functioning of the permanent missions to the United Nations.

5. The report before the Sixth Committee showed that representatives of various missions had found it necessary to have recourse to the Committee on Relations with the Host Country in the face of restrictions which had constituted obstacles to their diplomatic activities. The Permanent Mission of Cuba had itself experienced difficulties, which it had brought to the Committee's attention. She hoped that those difficulties would be examined and adequately resolved in accordance with the provisions of the Headquarters Agreement.

6. Her delegation took due note of the Committee's conclusions and of the recommendations which it had formulated in section IV of its report.

7. Mr. AHMED (Iraq) said that the situation of the Permanent Mission of Iraq to the United Nations and its accredited employees was difficult owing to the high-handed sanctions adopted against his country in the wake of the events of August 1990, including the freezing of Iraqi assets under internal laws of certain States, the first of which was the United States of America.

(Mr. Ahmed, Iraq)

8. His delegation did not wish to enter into a discussion of the legitimacy of such sanctions. Rather, it was primarily concerned with the measures taken against the Iraqi Mission to the United Nations by the United States fiscal authorities, which had issued orders to freeze all Iraqi assets, including the Mission's funds, and in particular the bank accounts it used to defray expenses, such as the salaries and apartment rentals of employees, and other Mission services. The freeze even included security paid out of Mission funds to landlords under apartment leases, and the United States authorities had refused requests for the return of such security. All those funds were still frozen.

9. His delegation hoped that the Mission's balance of nearly $1 million with the Bank of New York, received from the Central Bank of Iraq, would be unfrozen. The funds, which had been frozen in contravention of the international agreements in force, were used for current expenses in New York, and not for any activities that might be a source of concern to the United States authorities.

10. The frozen funds did not come under the provisions of Security Council resolution 661 (1990), 670 (1990) or 687 (1991), or any related decisions, but were intended for the use of the Mission, as guaranteed by the relevant international agreements, which were binding on the host country.

11. The Mission had tried through its lawyers to contact the United States Treasury Department in order to resolve the matter, and had addressed a letter to the Secretary-General listing the violations of the relevant international agreements by the United States fiscal authorities, both to no avail. It therefore requested the Committee on Relations with the Host Country to have the Bank of New York authorized to return the Mission's frozen funds, with interest, and to have the question of the return of apartment security re-examined.

12. The matter had become grave and the need for funds to manage the affairs of the Mission was pressing, yet its funds were still frozen at the Bank of New York pursuant to a local executive order. Under the United Nations Headquarters Agreement and numerous other agreements and generally accepted principles of international law, the property of United Nations missions enjoyed immunity from local jurisdiction. Obviously, executive orders issued by executive authorities constituted local law and did not take precedence over the various agreements, one of which was the Headquarters Agreement.

13. His delegation commended the positive steps taken by the host country in removing travel restrictions on the staff of some missions, and hoped that it would do so in respect of other missions as well and thus end the illegitimate, discriminatory treatment of those missions, in particular his own. His delegation hoped that there would be a supporting recommendation by the Mission of the United States, so that the problem could find a rapid, constructive solution.

14. Mr. POSTICA (Romania) expressed satisfaction at the efforts by the Committee on Relations with the Host Country to obtain the lifting of the travel restrictions previously imposed on the movement of the staff of certain missions to the United Nations and of certain staff members of the Organization. The United Nations and its Member States should ensure that delegations and missions accredited to the United Nations were able to work under proper conditions. He was confident that all the other problems which had not yet been resolved would be duly settled in a spirit of cooperation and in conformity with international law.

15. In that connection, he noted that the Permanent Mission of Romania to the United Nations was still subject to restrictions on the movement of its staff. While the matter had recently been raised within the framework of bilateral relations between the United States and Romania, he wished to reiterate his delegation's request that the competent authorities should be urged to lift the restrictions as early as possible, in keeping with the excellent bilateral relations that currently existed between the two countries.

16. His delegation hoped that the resolution to be adopted on the current agenda item would make a significant contribution to the search for practical solutions to the problems raised in the report.

17. Mr. ORDZHONIKIDZE (Russian Federation) thanked the United States authorities, the New York City Commission for the United Nations and the Consular Corps and members of the United States Mission for their efforts to resolve the numerous and sometimes complex problems arising in the work of the New York diplomatic corps. His delegation also welcomed the positive steps undertaken or planned to make life in New York easier for mission staff and their families. In particular, his delegation welcomed the host country's decision to lift certain travel restrictions, and hoped that restrictions still remaining in respect of mission staff and members of the United Nations Secretariat would be lifted shortly. Solutions to that and other problems should, of course, be sought on the basis of strict observance of the norms of international law, taking due account of the host country's laws and traditions. That was precisely the approach reflected in the recommendations and conclusions of the Committee on Relations with the Host Country (A/47/26, para. 55), which his delegation endorsed wholeheartedly.

18. He thanked the outgoing Chairman of that Committee for his skilful and patient work over the previous 10 years, and expressed good wishes to the next Chairman, Mr. Jacovides.

19. Mr. FISSENKO (Belarus) associated himself with previous speakers in commending the Committee on Relations with the Host Country upon its excellent report and in addressing compliments and good wishes to that Committee's outgoing and incoming Chairmen. The spirit of businesslike and constructive cooperation existing between that Committee and the authorities of the United States and New York City was greatly to be welcomed. Noting with satisfaction

(Mr. Fissenko, Belarus)

the positive developments reported in paragraphs 13 and 17 of the report (A/47/26) in connection with the lifting of numerical ceilings imposed on staff levels of the Permanent Mission of his country, and of all travel restrictions previously imposed upon Mission members as well as on Belarusian staff members of the United Nations Secretariat, he said that his delegation regarded those steps as an expression of good will on the part of the host country authorities, and looked forward to the further development of good relations between the two countries and their peoples.

20. Positive decisions taken by the Government of the host country did not, however, appear always to be accompanied by the issuance of appropriate instructions to the relevant services. For some unknown reason, Belarusian diplomats and members of their families travelling by the new Minsk-Shannon-New York air route sometimes had their diplomatic passports taken away at Shannon by representatives of the United States Immigration Service and returned only upon arrival in New York. He had no wish to dramatize the matter, but only to point out that situations of that kind could generate perplexity and even irritation. It was to be hoped that such misunderstandings would be ironed out as soon as possible.

21. Turning again to the report of the Committee on Relations with the Host Country, he stressed the importance of the topics considered by the Committee in 1992, and expressed full support of the recommendations and conclusions contained in paragraph 55.

22. Mr. WOOD (United Kingdom), speaking on behalf of the European Community and its member States, said that, since its establishment, the Committee on Relations with the Host Country had been an able and useful body, which had managed to resolve most of the difficult matters before it. In the view of the Community and its member States, both the Committee's methods of work and its composition continued to be satisfactory. It made an important contribution to the solution of specific problems and to upholding a general legal framework in accordance with relevant international instruments, which was of great significance for the functioning of the United Nations and for working conditions at Headquarters.

23. The Community and its member States were grateful for the efforts made by the various bodies which contributed to meeting the concerns of the diplomatic community in New York.

24. The report of the Committee (A/47/26) dealt in detail with such matters as the acceleration of immigration and customs procedures, the question of financial indebtedness of missions and host-country travel regulations. On the question of immigration and customs procedures, his delegation welcomed the measures being taken to improve arrangements at Kennedy International Airport and looked forward to the presentation by the Regional Director of the United States Customs Service.

(Mr. Wood, United Kingdom)

25. The Working Group on Indebtedness had tried hard to find a solution to the serious problems arising from the financial indebtedness of certain missions and staff members. It was of the highest importance for good relations between the diplomatic community and the authorities and people of the host country that those problems should be resolved.

26. On the question of transport and the application of traffic laws, the Community and its member States attached great importance to respect for articles IV and V of the Headquarters Agreement of 1947 and articles 29 to 31 of the Vienna Convention of 1961 concerning inviolability and immunity from criminal, civil and administrative jurisdiction in the receiving State. It expected the host country to take appropriate steps to comply fully with those obligations. The solution of often delicate questions concerning the application of the Headquarters Agreement required both vigilance and courtesy. Such questions, whether of principle or of a practical nature, must be handled with full respect for international law.

27. The Community and its member States endorsed the recommendations and conclusions of the Committee contained in paragraph 55 of its report.

28. Mr. ROSENSTOCK (United States of America) said that over the past year, the Committee on Relations with the Host Country had continued to work in a characteristically professional and cooperative manner, arriving at all its decisions by consensus, a practice not deviated from since the Committee's inception. He warmly complimented the retiring Chairman upon his excellent leadership in the past, and expressed confidence that the work of the Committee would proceed as successfully under the chairmanship of Mr. Jacovides.

29. Remarking that the problem of financial indebtedness still remained despite the efforts to resolve it by the Committee on Relations with the Host Country and its Working Group, he said that failure by a diplomat, a diplomatic mission or a staff member of the United Nations Secretariat to pay just debts in New York reflected poorly on the diplomatic community as a whole, and strained the local community's confidence in the concept of diplomatic status. The most obvious solution to the problem was, of course, not to incur financial obligations that could not be met, but diplomats and members of missions or of the United Nations Secretariat who did find themselves in difficulties should promptly seek the services of an attorney, who could often avoid litigation by arranging a settlement. In the event that litigation proved inevitable, missions and their personnel should take all appropriate steps to respond to any action filed against them. There were cases where proper assertion of immunity would resolve the problem. He appealed to all missions to notify the United States Mission of any legal action at the earliest possible stage, so as to enable it to take appropriate action where necessary. The United States would continue to uphold its international legal obligations in court, but it could not condone irresponsible financial practices. In that connection, he recalled that his Government had sent a diplomatic note to all members of the diplomatic

(Mr. Rosenstock, United States)

community stating that reliance on immunity for the purpose of evading financial obligations could constitute an abuse of the privilege of residence. He was confident that the Committee on Relations with the Host Country and its Working Group would maintain their efforts to deal with the problem. The United States Mission, for its part, would continue to endeavour to be of assistance on any issues that might arise.

30. Turning to specific questions raised during the debate, he said that the United States Mission would seek to alleviate the problems referred to by the representative of Romania, and confirmed his Government's view that relations between the two countries were excellent. With regard to the difficulties which had been mentioned in connection with immigration pre-clearance of travellers outside the United States, he said that the United States Mission would take the necessary steps to avoid any recurrence.

31. One delegation had complained about the freezing of bank accounts of its Mission to the United Nations, and had suggested that local laws were being applied in violation of the host country's obligations under international agreements. Article 103 of the Charter of the United Nations established the supremacy of obligations under the Charter over those under any other international agreement. Obligations under the Charter included the obligation to honour binding Security Council resolutions imposing economic sanctions upon the country in question. The Mission's bank account had not been prevented from functioning, the only problems which had arisen being the consequence of the freeze on assets deriving from a decision of the Security Council which the United States had no legal alternative but to honour.

The meeting rose at 11.25 a.m.